

ECF

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MERIT CAPITAL GROUP, LLC,

Plaintiff,

-against-

TRIO INDUSTRIES MANAGEMENT, LLC,  
TRIO INDUSTRIES HOLDINGS, LLC,  
EVAN R. DANIELS AND ROBERT E.  
GYEMANT,

Defendants.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 2/10/06

Case 2:04-cv-07690-CM-RLE

04 CV 7690 (RCC)

NOTICE OF MOTION FOR DEFENDANT  
DANIELS TO APPEAR AT COURT  
CONFERENCE SET FOR  
FEBRUARY 10, 2006 VIA AUDIO  
TELECONFERENCE

MOTION ALLOWING DEFENDANT DANIELS TO BE HEARD AT COURT  
CONFERENCE ON FEBRUARY 10, 2006 VIA AUDIO CONFERENCE:

I.  
BACKGROUND FACTS

The above litigation is brought on by CEO Gyemant's unwillingness to pay Plaintiff the monies owed to them. Defendant Daniels does not want to cause any undue burden upon the court, but Defendant Daniels is not currently working and does not have the monies to travel to appear in front of the Honorable Judge Richard C. Casey. Though this litigation is vexatious at best, Defendant Daniels is being seriously disadvantaged through James Jalil's actions. Defendant Daniels has had to short sale his home and received no monies from the sale which took place on February 1, 2006. Daniels is currently renting an apartment. Daniels is being forced to litigate in a venue other than Dallas, which is different than Daniels current dwelling city. Daniels is being forced by the actions of James Jalil to appear in front of this court Pro Se, which again seriously disadvantages Daniels from mounting a proper defense at such a late date.

Defendant Daniels would like to note that on February 2, 2006 a motion in opposition was sent to the court via overnight UPS and was signed for in the court's mailroom. This package of .4 of 1 pound which has currently been misplaced or lost. The court's mailroom claims that the package was sent in error, and UPS claims that the package was signed for and therefore is delivered. In any case, I ask the court to please accept this motion which is being included to be heard before The honorable Judge Richard C. Casey.

II.  
DEFENDANT DANIELS IS ASKING FOR AN AUDIO TELECONFERENCE ON FEBRUARY 10, 2006

Application granted.  
So ordered.

*Richard C. Casey*

February 9, 2006

Respectfully submitted,

*E. R. Daniels*

Evan R. Daniels  
Pro Se

Certificate of Service

This is to certify that a true and correct copy of the above and foregoing has been sent to counsel of record, via fax on February 7, 2006.

  
\_\_\_\_\_  
Evan R. Daniels

Parties: Take note of the motion attached herewith and comply.

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